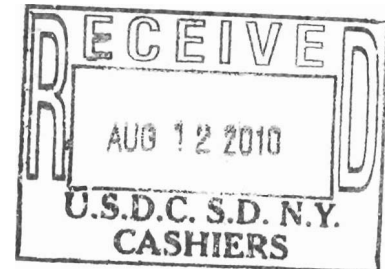


JUDGE JONES

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10 CIV 6000



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

VERIFIED COMPLAINT

- v. -

10 Civ.

APPROXIMATELY \$750,000.00
IN UNITED STATES CURRENCY,

Defendant-*in-rem*.

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Plaintiff United States of America, by its attorney,
Preet Bharara, United States Attorney for the Southern District
of New York, for its verified complaint alleges, upon information
and belief, as follows:

I. INTRODUCTION

1. This action is brought by the United States of
America pursuant to 21 U.S.C. § 881(a)(6) seeking the forfeiture
of approximately \$750,000.00 in United States currency
("DEFENDANT CURRENCY"), on the grounds that the DEFENDANT
CURRENCY constitutes moneys furnished or intended to be furnished
in exchange for a controlled substance, proceeds traceable to
such an exchange, and/or moneys used or intended to be used to

facilitate such an exchange.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper under 28 U.S.C. §§ 1355(b) and 1395(b) because actions and omissions giving rise to the forfeiture of the DEFENDANT CURRENCY took place in the Southern District of New York.

4. The DEFENDANT CURRENCY is currently in the custody of the United States Marshals Service.

III. PROBABLE CAUSE FOR FORFEITURE

5. On or about May 12, 2010, agents from the Drug Enforcement Administration ("DEA") and police officers from the New York City Police Department ("NYPD") were conducting surveillance for narcotics trafficking activity in the vicinity of the Best Western Hotel (the "Best Western") located at 1440 Sheridan Expressway in the Bronx, New York. The area in the vicinity of the Best Western is a known location for narcotics trafficking activity, as three major expressways are located nearby, which facilitates the movement of narcotics and any flight from law enforcement authorities. At about 7:25 p.m. on or about May 12, 2010, DEA agents and NYPD officers observed an individual, later identified as Alberto Vazquez Alvarez, exit the Best Western and get into a Nissan Altima with Pennsylvania

plates (the "Nissan").

6. Alvarez then "squared the box" with the Nissan by making a series of left turns that brought him back to his starting point at the Best Western. Alvarez drove the vehicle in that manner to ascertain whether he was being followed by another vehicle, and it is a driving technique often used by narcotics traffickers who fear being followed by the police, rival narcotics dealers, or others. While making at least one of these left turns, Alvarez failed to use his turn signal. The law enforcement officers observing Alvarez subsequently attempted to make a traffic stop by turning on their vehicle's siren and lights. Alvarez, however, while talking on a mobile phone, sped away in the Nissan for about half a mile to a mile, before he eventually stopped the Nissan.

7. After Alvarez pulled the Nissan to the side of the road, he was approached by a law enforcement officer. Alvarez appeared nervous and he presented two forms of identification: a driver's license that listed a home address in Brainersville, Pennsylvania, and another form of identification that listed a home address in Allentown, Pennsylvania. When a law enforcement officer asked Alvarez why he was in the area, Alvarez said that he was going to the Best Western to meet a friend, even though Alvarez had just left from the Best Western. In addition, when asked where he was driving from, Alvarez did not say he had just

left the Best Western. Alvarez appeared nervous while he was answering the law enforcement officers' questions.

8. A law enforcement officer asked Alvarez if he would consent to a search of the Nissan, and Alvarez verbally consented. In the trunk of the Nissan, the law enforcement officers recovered two large duffel bags. The DEFENDANT CURRENCY was inside the duffel bags, bundled in stacks of \$20,000.00 in United States currency. Narcotics traffickers generate substantial amounts of cash from their narcotics sales, and narcotics traffickers often transport cash proceeds from the sale of narcotics in vehicles, such as the Nissan. When asked about the source of the funds recovered from the trunk of the Nissan, Alvarez stated that he had recently won the lottery. Alvarez also stated that he had been unemployed for the previous six months and that his last job was with Federal Express.

9. The law enforcement officers subsequently accompanied Alvarez to the Best Western and learned from the hotel clerk that Alvarez had been staying at the Best Western. Alvarez's room at the Best Western was registered under a name that was different from the name listed on the two identification documents that Alvarez had shown to the law enforcement officers. Additionally, Alvarez had used a third form of identification to register at the Best Western.

10. Narcotics traffickers often use hotel rooms as a

place to store narcotics and narcotics proceeds, and narcotics traffickers often use counterfeit identification documents or give false names when registering at hotels, such as the Best Western, so that their true identities are not known to the hotel or law enforcement. In addition, narcotics traffickers often use vehicles with out of state license plates, such as the Nissan, to buy and/or sell narcotics, because they must cross state lines to buy and/or sell narcotics.

IV. CLAIM FOR FORFEITURE

11. The allegations contained in paragraphs one through ten of this Complaint are incorporated herein.

12. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate such an exchange, in violation of Subchapter I of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such property.

13. The DEFENDANT CURRENCY is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange, in violation of Subchapter I of Title 21 of the United States Code.

14. By reason of the above, the DEFENDANT CURRENCY became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the DEFENDANT CURRENCY and that all persons having an interest in the DEFENDANT CURRENCY be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the DEFENDANT CURRENCY to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
August 12, 2010

PREET BHARARA
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Southern District of New York
Attorney for the Plaintiff
United States of America

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